

# SENATE RECORD VOTE ANALYSIS

104th Congress  
1st Session

Vote No. 309

July 17, 1995, 6:03 p.m.  
Page S-10135 Temp. Record

## REGULATORY REFORM/Cloture (1st Attempt)

**SUBJECT:** Comprehensive Regulatory Reform Act of 1995 . . . S. 343. Lott motion to close debate on the Dole/Johnston substitute amendment No. 1487.

### ACTION: CLOTURE MOTION REJECTED, 48-46

**SYNOPSIS:** As reported, S. 343 will make changes to reform the regulatory process.

The Dole/Johnston substitute amendment would modify the bill in accordance with suggestions made by Senate Democrats, the Administration, and the American Bar Association. The amendment would: recodify and modify the Administrative Procedures Act (APA); impose judicially reviewable obligations on Federal agencies to craft rules in which the benefits justify the costs and to use peer reviewed, standardized risk assessments; expand the Regulatory Flexibility Act; reform the Delaney Clause; and strengthen congressional oversight.

On July 12, 1995, Senator Lott sent to the desk, for himself and others, a motion to close debate on the Dole/Johnston substitute amendment.

NOTE: The motion to invoke cloture requires a three-fifths majority (60) vote of the Senate to succeed. This vote was the first attempt to invoke cloture on the amendment (see vote Nos. 311 and 315).

**Those favoring** the motion to invoke cloture contended:

This bill has been on the floor for more than one week. Further, before it reached the floor, it was the subject of intense negotiations with the Clinton Administration and Democratic Senators who oppose the bill. Several weeks of negotiations resulted in approximately 100 changes to meet their concerns, and those changes have been incorporated in the Dole/Johnston substitute amendment. When the bill reached the floor, bill opponents gave us a short list of major and minor problems that they still had with the proposal. Most of those problems have now been resolved. We should be very close to final passage.

However, bill opponents have apparently decided to filibuster. That some Senators hope to kill this bill has been apparent from

(See other side)

YEAS (48)			NAYS (46)			NOT VOTING (6)	
Republicans (45 or 90%)	Democrats (3 or 7%)		Republicans (5 or 10%)	Democrats (41 or 93%)		Republicans (4)	Democrats (2)
Abraham	Helms	Breaux	Chafee	Akaka	Hollings	Bennett <sup>-2</sup>	Heflin <sup>-2AY</sup>
Ashcroft	Hutchison	Johnston	Cohen	Baucus	Inouye	Kempthorne <sup>-2AY</sup>	Kerrey <sup>-2</sup>
Bond	Inhofe	Pell	Hatfield	Biden	Kennedy	McCain <sup>-2</sup>	
Brown	Kassebaum		Jeffords	Bingaman	Kerry	Pressler <sup>-2AY</sup>	
Burns	Kyl		Specter	Boxer	Kohl		
Campbell	Lott			Bradley	Lautenberg		
Coats	Lugar			Bryan	Leahy		
Cochran	Mack			Bumpers	Levin		
Coverdell	McConnell			Byrd	Lieberman		
Craig	Murkowski			Conrad	Mikulski		
D'Amato	Nickles			Daschle	Moseley-Braun		
DeWine	Packwood			Dodd	Moynihan		
Dole	Roth			Dorgan	Murray		
Domenici	Santorum			Exon	Nunn		
Faircloth	Shelby			Feingold	Pryor		
Frist	Simpson			Feinstein	Reid		
Gorton	Smith			Ford	Robb		
Gramm	Snowe			Glenn	Rockefeller		
Grams	Stevens			Graham	Sarbanes		
Grassley	Thomas			Harkin	Simon		
Gregg	Thompson				Wellstone		
Hatch	Thurmond						
	Warner						

#### EXPLANATION OF ABSENCE:

1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

#### SYMBOLS:

AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

the beginning of the debate. Democrats who oppose S. 343 have offered fewer amendments than have Republicans, but they have consumed the lion's share of the time. Some of their amendments, such as the sunshine amendment, have been on serious subjects, and have been quickly resolved. Unfortunately, most of their amendments have been solely for the purpose of grandstanding, and have been accompanied by lengthy, histrionic debate. Blatantly false charges that the Dole/Johnston substitute amendment would result in contaminated meat, unsafe mammograms, and dirty water have been leveled. These amendments have been offered in conjunction with a gleeful disinformation campaign by the media that puts the best efforts by Pravda to shame. President Clinton has echoed these charges, and has recently chimed in with his own clever little addition that this bill will make airplanes start falling out of the sky. This President, of course, is the same person who a week ago suggested that political debate should be more civil.

Nevertheless, we managed to make progress in working through the issues on our colleagues' list of concerns, and by last Friday we thought that there were approximately 6 Democratic amendments left to offer and 2 Republican amendments. When we canvassed Senators, though, we found suddenly that there were 267 amendments outstanding. This number is ridiculously high, and is more than a little suspicious. Coming up with 267 concerns at the eleventh hour of a bill's consideration on the floor looks a lot more like a filibuster than an attempt to amend the bill. The fact that this list appeared after we had to spend most of the week fending off wild and baseless accusations of the supposed harm that would be caused by the Dole/Johnston amendment instead of seriously debating the issues reinforces our belief our colleagues are filibustering.

We know that today we do not have the votes to invoke cloture, but tomorrow, when more Senators are present, we very well may. If not, we will try invoking cloture again this week. Eventually we believe we will succeed and will pass this landmark legislation.

**Those opposing** the motion to invoke cloture contended:

Only 14 of the 38 amendments that have been offered thus far have come from opponents of this legislation. Seven of those amendments were adopted, and a couple of others lost on very narrow, bipartisan votes. Senators who say that this is evidence of a filibuster are clearly wrong. This record shows that we Senators who oppose the Dole/Johnston substitute are working diligently to correct it. Many serious issues have been addressed, but many more have not yet been raised. Our purpose is not delay--we will happily agree to time limits on many of the amendments which we intend to offer. We are still very optimistic that the Senate can reach an acceptable compromise on regulatory reform. Senators who seem to think that the 9 days we have spent on this bill are exorbitant are not treating this issue with the seriousness it deserves. This legislation deals with enormous risks to human health, safety, and the environment, and it also deals with the enormous costs of regulating those risks. The purpose is to lower the cost without increasing the risk. The Senate should not rush to finish considering a bill of this magnitude. Accordingly, we urge our colleagues to join us in voting against this effort to close debate.